G. R. S. App F. IX-4]

194 0 -

File No. 230-40.

Previous References.
Misc/230-40-1-8 (Misc)

Serial Nos. 9-13.

Later References.

PRESENTED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 5

Part B for January 1943.

SUBJECT.

Disputes in Afridi Territory adjoining the Kurram Valley between the Kurram and Tirah Expeditions

Filed.

5-5-43.

Serial No.

9

Letter No C 1013/37-J dated 23.7.41 from The Magistrate in Ukhrul forwarding a petition dated 19.7.41 addressed to him by Shri Kaisi Nga, Village Headman of Chingai Nga, Ukhrul Sub Division praying for ...

It is reported that the contemplated suit was filed on 3.7.1941 and that a sum of Rs 200/- was paid to the Kuzeni Nuta's lawyer at Imphal for expenses in that connection. Submitted for perusal.

BS 26/7 GS 26/7 (2) 26/7

Lus 28/7/41

10

Letter No C 1013 dated 26.7.41 from The Magistrate Ukhrul forwarding a petition dated 19.7.41 ...

Submitted for perusal.

BS 4/10/41

Lus 5/10/41

This will be filed if appellant BS and counsel from Lus. 6/7/42 & Prayers in the connected suit for ... (illegible) ... awarded)

Open Title - Nasik Municipality

Plug File No. -10 of 194 0.

Serial No.	
11	Letter No C 1013/37-38 dt 22.1.42 from the Municipal Commissioner furnishes a progress report in the case. It is the further progress report submitted by the Municipal Commissioner for perusal.
12	From the M. C., No. C. 1013/37-38 dt. 23-6-1942 forwarding a report from the officer-in-charge of the Sanitary Department that the defendants have filed written statements on 30-3-42 and that the case has been posted to 4th June 1942 for filing the documents. Submitted for perusal. The officer-in-charge has submitted his report to the M.C. on 13-5-42 two months after the statements were filed in the Court by the defendants.
11	The M.C. has sent the written statements for perusal and they file be returned to him with a report regarding the progress of the case and he requested to submit the same to the Court.

GENERAL SECRETARY
29 JAN. 1942
4391

GENERAL SECRETARY
1 JULY 1942
5

IMMEDIATE.

No. C. 1013/37-38
Encl.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 28th December 1942.

R 3472

FROM

Rajasevaprasakta
B.T.Kesavaiengar, Esq., B.A.,
The Muzrai Commissioner in Mysore.
Bangalore.

To

N.Madhava Rao, Esq., B.A.,
General Secretary to the Government of
Mysore, Bangalore.

SIR,

Re:- dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the Nasik Town Municipality - Civil suits filed against the Government of Bombay and the Municipality.

****

I have the honour to invite reference to this office letter No.C.1013/37-38 dated 21/22-12-42 and 24-12-42 on the above subject and to request the favour of immediate communication of legal advice as to the desirability of preferring an appeal in the case, as the Mutt's pleader had intimated that the appeal should be preferred before 30th December 1942.

I have the honour to be,
Sir,
your most obedient servant,
M. N. Adhikary
for Muzrai Commissioner

Serial No.

Dft. letter to the A.C. returning the statements is put up for appl.

8/7 Jul 1917

18 Jul 1917

Very careless way of putting up the drafts & the sending be generally bad 20/7/42

Mr. R.

No. R 639 dt 21-7-42 returning the building statements.

ıle No. of 194 . General an Secret

Serıal No.

General and Revenue Secretariat | File No. of 194 . [App. F. III-2

Serial No.

Reference is invited to the note of the General Secretary on the P.U.D. for favour of opinion.

Law Secy) N.M. 22/12/42.

Advice is asked for in the matter of preferring an appeal against the judgment and order of the First Class Subordinate Judge, Nasik, in the suit by the authorities of the Sree Sringeri Mutt against the Nasik Town Municipality.

Submitted for orders.

The Advocate General may be consulted.

Law Secy) Intld. K.P.P. 23/12

C.N. 23/12/42.

Forwarded with compliments to the Advocate-General in Mysore for favour of advice.

By Order,

Sd/- M.K.Varadarajan

for Secretary to Government, Law Department.

U-o No 51/42-4
26.12.42

My opinion is as below:-

1) Issue No.1 (re Notice under Sec.80 C.P.C.) is wrongly decided. In view of the allegation in the plaint being as marginally lined by me at page 3 of the Judgment copy, and the same (apparently) not having been traversed, I am clear that there is full compliance with the section.

2) Issue No2 (re bar of suit under Order II Rule 2 C.P.C.) is wrongly decided with respect to the relief claimed in the first instance, viz., declaration (of possession) and injunction. If however the plaintiff's

W D (1155- G1 B—65 000—23 10 41

Serial No.

possession is not proved and plaintiff has to seek for recovery of possession, then the suit is barred.

3) Issue No.3 (re res-judicata) is wrongly decided, in view of the fact that the judgment states that the land now claimed was not included in the previous suit.

File returned with compliments.

Sd/- C.Lakshmana Gowda
Advocate-General.

Intld. C.N. 26/12/42.

Send it to the Muzrai Commissioner at once

C.N. 26-12-42

Returned with compliments to the Muzrai Commissioner in Mysore.

Sd/- S.K.Venkataramana Iyer,
For General Secretary to Gov

28/12/42.

OFFICE OF THE MUZRAI COMMISSIONER IN

Bangalore, ...24th December.....*194*

Rajasevaprasakta
B.T.Kesavaiengar, Esq., B.A.,
~~The~~ *Muzrai Commissioner in Mysore.*
B a n g a l o r e.

R 3473

N.Madhava Rao, Esq., B.A.,
General Secretary to the Government of Mysore,
B a n g a l o r e.

SIR,

GENERAL SECRETARY
28 DEC. 19[illegible]

Re:- Dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the Nasik Town Municipality - Civil suit filed against the Govt. of Bombay and the Municipality-

****

In continuation of my letter No.C.1013/37-38 dated 22-12-42 requesting you to obtain legal advice as to the desirability of preferring an appeal in the above case, I have the honour to forward herewith a copy of further letter No.C.C.3/38-39 dated 21-12-42 together with its enclosures received from the Officer in charge of Sri Sringeri Mutt and its properties, Sringeri for reference and kind return after use.

The favour of very early communication of the legal advice in the matter is requested.

I have the honour to be,
Sir,
Your most obedient servant,

Field Marshal
Chief of the Soldier.

The legal opinion in the matter was sent to the N.C. in the Thos file sent on 28/12/42.
The papers will be filed for the present if approved.
BRG 30/12

Please ascertain the exact terms taken

Draft submitted
BRG 11/1

I have spoken to Dr N.N.B 182 Bank of N.Y.C. & he has promised to send a confirmation of the terms taken on receipt & letter of confirmation - Pl await same 6/1/42

Mrs Burton will 20/1/43
BRG 12/1 JMR

L.1013/37-38
rel. 2.

Office of the Muzrai Commissioner
in Mysore,
Bangalore, Dated 12th January 1943

From

Rajasevaprasakta
B.T.Kesavaiengar,Esq.,B.A.,
Muzrai Commissioner in Mysore,
B a n g a l o r e.

To

N.Madhava Rao,Esq.,B.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

Sir,

Subject:-Dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the Nasik Town Municipality - civil suit filed against the Government of Bombay and the Municipality.

With reference to your office memo dated 28-12-42 forwarding the opinion of the Advocate General in the matter of filing an appeal against the judgement passed in the Subordinate Judge's court at Nasik in the case mentioned above, I have the honour to state for the information of Government that in the light of the Advocate General's opinion necessary instructions to file an appeal were issued both by telegram and post to the officer-in-charge of Sri Sringeri Mutt and its properties and also to the Mutt's pleader at Nasik on 28-12-42. A copy of the Memo issued to the officer-in-charge, Sringeri is herein enclosed for information. Your office memo forwarding the Advocate General's opinion is also enclosed for kind reference and return after use.

I have the honour to be,

Sir,

Your most obedient servant,

Muzrai Commissioner

Office Memo No.C.1013/37-38 dated 29-12-42 issued to the Officer-in-charge of Sri Sringeri Mutt and its properties, Sringeri.

- - - .

Subject:-Dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the Nasik Town Municipality - civil suit filed against the Government of Bombay and the Municipality.

- - -

In confirming the marginally noted telegram issued to him yesterday in the above matter, in view of the opinion furnished by the Mutt's Pleader Mr. R.B.Khadilkar in his letter dated 11-12-42 addressed to the Officer-in-charge and also the opinion furnished by the Advocate General and received with memo dated 28-12-42 from the General Secretary to Government, the Officer-in-charge of Sri Sringeri Mutt and its properties, Sringeri is requested to report the action taken in the matter. A copy of the Advocate General's opinion dated 26-12-42 is herein enclosed for his information.

To	*	
The Officer-in-charge, Sringeri.	*	
	*	
File Appeal in Sringeri Mutt open site dispute case Nasik immediately.	*	
	*	
Revcomr.	*	

The necessary amount required towards the cost of filing of the appeal may be placed at the disposal of the Mutt's pleader subject to detailed accounting of the expenditure incurred later on.

An express telegram similar to the ordinary telegram issued to him was sent to the Mutt's Pleader at Nasik yesterday i.e. on 28-12-4

The enclosures received with his letter No.O.C.3/38-39 dated 21-12-42 are herewith returned as desired by him. The blue-print map of the site in question together with the Judgement copy received with his letter No.O.C.3/38-39 dated 17/18th December '42 is also returned herewith.

A report of action taken may be submitted very early.

- - -

"Copy"

M. N. Ramaswamy

For Muzrai Commissioner

E' MUZRAI COMMISSIONER IN MYSORE,

ngalore, ...23rd.... July.....1941

Muz 230-40-9.

N-UL-MULK
BDUL WAJID, B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GENL & 25. JUL. 1941 129 MUZRAI B

J.Appaji Gowda, Esq., B.A.(Hons.),
Secretary to the Government of His Highness
the Maharaja of Mysore,
GENERAL SECRETARY 25 JULY 1941 Muz
.....General..... *Department.*

SIR,

Dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the local Town Municipality - Filing of a Civil Suit on behalf of the Mutt against the Government and the Nasik Town Municipality.-

---

With reference to your letter No.3000/Muz.230-40-8 dated 16th June 1941 directing that the above case may be carried to a Civil Court, I have the honour to state for the information of Government that the Officer-in-Charge of Sri Sringeri Mutt and its properties was asked to take action accordingly. The Officer-in-Charge has, in his letter No.O.C.3/38-39 dated 15th July 1941(copy enclosed) reported that the Suit has been filed on 3rd July 1941 and that a sum of Rs.200/- has been paid to the Mutt's Lawyer towards the initial expenditure of the Case.

2) A report about the progress of the case will be sent

soon after

soon after its receipt from the Officer-in-Charge.

I have the honour to be,
Sir,
Your most obedient servant,

M. N. Ramachar

Assistant Commissioner,
(For Muzrai Commissioner.
absent from Headquarters).

Two.

OFFICE OF THE OFFICER - IN - CHARGE,
Sri Sringeri Mutt and its properties,

Sringeri.

Dated... 15th July...1941.

From,

THE OFFICER - IN - CHARGE,
SRI SRINGERI MUTT AND ITS PROPERTIES,
Sringeri.

To

The Muzrai Commissioner in Mysore,

BANGALORE.

Sir,

Re: Filing a Civil suit regarding the dispute over the opensite adjoining the Sri Sringeri Mutt Building at Basik between the Mutt and the Local Town Municipality.

In continuation of this Office report of even No. dated 26th June 1941, on the above, I have the honour to enclose herewith a copy of letter dated 6-7-1941 received from the Mutt Lawyer M. V. Madhiha B.A.,B.L., Basik City and a copy of my letter dated 7-7-1941 to the report dated 6-7-1941 received from the Manager, Basik Mutt, stating that the suit has been filed on 5-7-1941. The Manager has paid to the Lawyer towards the ~~xxxxxxx~~ initial expenditure of the case Rs.[illegible]. The cost will be met out of the Law Charges from the current Year's budget.

I have also requested the Manager to submit progress reports of the case from time to time. On receipt of the reply from him, I shall submit a further report in the matter. I have also written to the Manager to obtain and submit details of expenditure regarding the Law charges for this suit.

I have the honour to be,
Sir,
Your most obedient servant,

Officer-in-charge,
Sringeri Mutt and its properties.

No. C. 1013/37-8.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ...September...26,.... 1941.

230-40-10

FROM

Rukn-ul-Mulk
S. ABDUL WAJID, B.A.,
Muzrai Commissioner in Mysore.

GEN'L & REV. SECRETARIAT
1 OCT. 1941
489
MUZRAI BRANCH

To

J. Appaji Gowda, Esq., B.A.(Hons.),
General Secretary to the Government
of Mysore, Bangalore.

GENERAL SECRETARIAT
28 SEP. 1941

SIR,

Re. Dispute over the site adjoining the Sri Sringeri Mutt Building at Nasik, between the Mutt and the Local Town Municipality - Civil Suit filed on behalf of the Mutt, against the Government and the Nasik Town Municipality.

In continuation of this Office letter No.C.1013/37-38 dated 24-7-1941 on the above subject, I have the honor to forward herewith for the information of Government, copies of letters No.O.C. 38-3 dated 30-8-1941 and 17-9-1941 together with their enclosures, received from the Officer-in-Charge of Sri Sringeri Mutt and its properties, Sringeri, reporting that the 29th of October 1941 has been fixed for the written statements of the defendants, 1 and 2, being filed in the case and that the Mutt's Pleader at Nasik has been written to in the matter of bringing on record the Officer-in-Charge himself as the new legal representative in place of the deceased Mr. Mahadeva Rao (Local Manager of the Mutt at Nasik) in the suit.

The fact of the demise of Mr. Mahadeva Rao has already been reported in this Office letter No.C.414/41-42 dated 15th Septembe 1941

On receipt of reports about further progress made in the case, a further communication will be sent to Government.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

M. C. 18].

No. C. 1013/37-38.

ENCL. Three.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ...22nd....January..... ....1942.

FROM

RUKN-UL-MULK
S. ABDUL WAJID, B.A.,
Muzrai Commissioner in Mysore.

26 JAN 1942 1062

To

.....

The General *Secretary to the Government of His Highness the Maharaja of Mysore,*

.....*Department.*

GENERAL SECRETARY 23 JAN 1942

SIR

RE: the dispute over the open site adjoining the Sri Sringeri Mutt Building at Nasik between the Mutt and the Nasik Town Municipality - Civil Suit filed on behalf of the Mutt against the Government and the Nasik Town Municipality.

* * * * * *

In continuation of this Office letter No.C.1013/37-38 dated 26th September 1941 regarding the above, I have the honour to state for the information of Government that further progress report regarding the above Civil Suit has not yet been received. The Officer-in-Charge of Sri Sringeri Mutt and its properties had reported in his letter No.H.C. 3/38-39 dated 27th November 1941 that the Court had granted two months' time for written statements being filed by the Pleaders on behalf of the Government of Bombay and the Nasik Town Municipality in the above case.

2) In the meantime, the Executive Engineer of Kolar Division, who visited Nasik on deputation in connection with the repair works of the Mutt building there and the Mysore Chattram at Benares, etc., sent to this office, a report of his inspection of the Mutt's site in question, proposing the construction of a rubble stone wall to enclose the undisputed portion of the Mutt's site at an estimated cost of Rs.1,300/-. On calling for a report from the Officer-in-Charge as to the availability of the funds for meeting the cost of the proposed construction of the stone wall, the Officer-in-Charge, in his letter dated 31st December 1941 has stated that it would be difficult to allot funds this year owing to heavy expenditure to be met from the closing balance of the Mutt Funds on account of the proposed repair and improvement works of the Mutt Buildings at Haridwar, Gaya, Benares, Nasik and that the work of construction

work of construction of the stone wall now proposed may be taken up next year when funds permit, as opined by His Holiness also. In these circumstances, I have accepted the suggestion of the Officer-in-Charge to defer the construction of the stone wall during this year and to take up the work next year when funds permit.

3) Copies of the reports of the Officer-in-Charge referred to above and also letter No.1203 dated 8th December 1941 received from the Executive Engineer, Kolar Division, are enclosed for kind reference.

I have the honour to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

/38-39

Two.

OFFICE OF THE OFFICER - IN - CHARGE,
Sri Sringeri Mutt and its properties

Sringeri.

Dated 27th Novr 1941.

From,

THE OFFICER - IN - CHARGE,
SRI SRINGERI MUTT AND ITS PROPERTIES,

Sringeri.

To

The Kuzrai Commissioner in Mysore,

BANGALORE.

Sir,

Re: Dispute over the opensite adjoining the Sri Sringeri Mutt Buildings at Nasik between the Mutt and the Local Municipality

---

In continuation of this Office report of even no. dated 17-9-41 on the above, I have the honour to enclose herewith a copy of letter dated 30-10-41 and dated 21-11-41 received from the Mutt lawyer Mr.R.B.Khadilkar, Nasik on the above for favour of information and to state that as regards the bill of the lawyer, I have sent back the same for certain particulars, and on receipt of the same, it will be submitted for favour of sanction.

As it is stated that a sum of Rs.50/- is urgently

required to get fresh and correct map with pro
ment of the site in question, I have sent Rs.50/- in
advance as the same is urgently required by the lawyer
and as a fresh map is seen to be quite necessary for
succession ~~of~~ in the case.

It is stated that the lawyer appointed by the Munici
pality and Government, has been appointed as Additional
Sessions Judge at Ahmadabad and that new Pleaders --
appointed by the Municipality and Government have applied
for 2 months time to file their written statements and
the Court has granted time.

On receipt of further information from the Mutt
Pleader, I shall submit another report in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Officer-in-charge,
Sringeri Mutt and its properties.

Letter No.1268 dated 8-12-1941 from the Executive Engineer, Kolar Division, Kolar, to the Muzrai Commissioner in Mysore, Bangalore.

Dispute over the open site adjoining Sri Sringeri Mutt Building at Nasik, between the Mutt and the Nasik town Municipality.

With reference to your Memo No.C.1013/37-38 dated the 2nd October 1941, forwarding for information a brief note on the above, I have the honour to state that I inspected the site in question on 18th October 41 along with the local Manager of the Mutt and the Pleader Mr. R.D.Khadilkar, who is now conducting the case on behalf of the Mutt. It was observed during inspection that the Municipality have constructed a stone masonry drain with concrete invert and slabbed covering by blasting rock within the Mutt boundary and have led the sullage water of Nasik Town through this drain to the Vagadhi stream which is small nalla joining the Godavari closeby. The case against the Municipality has been launched in a Civil Court and the court decision is to be awaited. If the Court award should be favourable, this valuable piece of land will be a source of some permanent revenue to the Mutt since it fetches a steady annual income of Rs.75/- from the rental of the land on Bazaar days.

The object with which this question has now been referred to me has not been made clear, in your memo. However, I am herein enclosing a copy of the site plan indicating therein the site under dispute as well as the whole mutt premises etc. completed.

It is clear that at the time when the Municipality excavated the drain through the Mutt land (now under dispute) about 35 years ago, if the then Agent at the spot had objected to the same and put up a proper objection and pursued the question, this difficulty of disputing the ownership of this site should not have arisen. To prevent encroachment into the Mutt lands in future, it is very essential to enclose the Mutt lands by a suitable permanent stone wall. Since every year the water level in the flood season rises high and in fact, even enters int the buildings in this area, it is essential that the wall should be a rubble stone wall with a bottom thickness of 4½ ft. and top thickness of 2½ ft. It is now proposed that the portion 'P.Q.R.' should be once for all thus built up leaving the remeining portion, viz 'R.S.T.U.V.W.' being taken up and completed after the Court decision is obtained

It should be stated that on a former occasion, the cipality had disputed the ownership by the Mutt of the land behind the Mutt buildings and it was only in 1926 after a court decree/was finally awarded to the Mutt as legally belonging to in R.C.S.No.285 of 1926 that the site behind the Mutt buildings, them. As such, to prevent recurrence of such trouble once for all, it is desirable to enclose the Mutt lands by a suitable stone wall as stated above. The cost of constructing the rubble stone fencing wall along the undisputed portion of the boundary viz., 'P.Q.R.' ~~xxxxxxxxxx~~ is Rs.1,300/- as per the enclosed estimate necessary action may kindly be taken in the matter early.

"COPY."

M.N. Ananth

For Muzrai Commissioner.

OFFICE OF THE OFFICER - IN - CHARGE,
Sri Sringeri Mutt and its properties,
Sringeri.

Dated... 31st Dec... 1941.

From,

THE OFFICER - IN - CHARGE,
SRI SRINGERI MUTT AND ITS PROPERTIES,
Sringeri.

To

The Muzrai Commissioner in Mysore

BANGALORE.

Sir,

Re: Putting up a rubble stone wall to enclose the Sringeri Mutt area, in Panchavati, Nasik.

Adverting to your memo No.C.191a/41-42 dated 15-11-1941 on the above, I have the honour to invite your kind reference to this office report No.M.S/41-42 dated 14-11-1941 requesting sanction to the estimate for Rs.6750/- for putting up a rubble stone wall to enclose the Sringeri Mutt area in Panchavati, Nasik, and your memo No.C.191a/41-42 dated 7-11-1941 requesting sanction to the estimate for Rs.3796 for putting up a rubble stone wall to enclose the Sringeri Mutt buildings at Sringeri and its office report No. dated 1-12-1941 pointing out that the estimates for putting up the above walls were submitted to you at the cost of the estimates may be treated as a charge against the Mutt funds etc., and to state that the proposed walls are necessary to safeguard the Mutt buildings and properties, and to be put up when funds are available. I have already pointed out in the above reports that the above are urgent repairs which need be carried out immediately and that as the question of repairs to the Mutt buildings has been under sanction and that as the cost of all these repairs is proposed to be met out of the closing balance of the Mutt funds as soon I am of opinion that the estimates for the next year, as it may be a difficult task to carry out repairs alone and as repairs to require to be carried out immediately, the Mutt authorities already proposed to be undertaken

as well as of the remaining portion of the Mutt buildi
undertaken next Official year.

I have the honour to be,
Sir,
Your most obedient servant,

Officer-in-charge,
Sringeri Mutt and its properties.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, ...23rd June.....*19*42.

M.VENKATESA IYENGAR, ESQ., M.A.,
~~EXXBEEXXWXXDXEXXXXX~~
~~XXXVXXANANTARAMANXXESQXXBXXX~~
Muzrai Commissioner in Mysore,
Bangalore.

GEN. & REV. SECRETARIAT
26 JUN. 1942
1714.
MYSORE

J.APPAJI GOWDA, ESQ., B.A.(HONS.),
Secretary to Government of His Highness the Maharaja of Mysore,
.....General.....*Department,*

Memo 230-40-12

GENERAL SECRETARY.
25 JUN 1942

SIR,

Dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the Nasik Town Municipality - Civil Suit filed on behalf of the Mutt against the Government of Bombay and the Municipality.

---:---

In continuation of this office letter No.C.1013/37-38, dated 22nd January 1942 on the above subject, I have the honor to forward herewith for the information of Government, a copy of letter No.O.C.3/38-39 dated 30th May 1942 together with its enclosures received from the Officer-in-Charge of Sri Sringeri Mutt and its properties reporting that the defendants in the above case have filed written statements on 30th March 1942 and that the case had been posted to 4th June 1942 for filing the documents.

2) The copies of the written statements herein enclosed, may kindly be returned after perusal.

I have the honour to be,
Sir,
your most obedient servant,
M. Venkatesa Iyengar
Muzrai Commissioner.

UBJECT Dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the Nasik Town Municipality — Civil Suit filed on behalf of the Mutt.

Section Mu2

File No. 230-40.

Serial No. 13.

Diary No. of letter replied to.....

No. R 639 / Accd Statement Copies

To

The M. C.

General and Revenue Secretariat

( )

the *19*

Sir,

Date of issue 21/7

I am directed to return herewith the statements ~~received~~ in ~~this office~~ with reference to your letter no. C. 1013/37-38 dt 23-6-1942 filed by the ~~officer in charge of Sri Sringeri Mutt~~ defendants in the above case and to request that the further report in the matter may be furnished to this office at an early date.

Signed by Mr. K.M.N

Very inaccurate

21/7/42

21/7

List of enclosures.....

Copied by .....

Examined by .....

nger .

Dated 30th Aug 1941.

THE OFFICER-IN-CHARGE,
SRI SRINGERI MUTT AND ITS PROPERTIES,
Sringeri.

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

Re: The dispute over the adjoining site to the Sri Sringeri Mutt at Nasik between the Local Municipality and the Mutt - appeal.

I have the honour to enclose herewith a copy of letter dated 22-8-41 received from the Mutt lawyer Mr.R.B. Khadilkar, Nasik city on the above for favour of information and to state that on hearing from him for the progress of the case I shall submit another report in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Officer-in-charge,
Sringeri Mutt and its properties.

er dated 22-8-41 from Mr.R.B. Khadilkar, Pleader, Nasik city,
The Officer-in-charge of Sringeri Mutt and its properties, Sringeri.

Our suit against the Government of Bombay and the Nasik Municipality regarding the Mutt's open place in Nasik was fixed on the 27th instant for return of summonses to defendants. Summonses were duly served and the Government Pleader Mr.R.L. Shinde has appeared on behalf of defendants I and 2. They have applied for time for written statement. The next date fixed for filing written statements of defendants I and 2 is 29-10-1941. Nothing more for the present. The next occurences will be informed to you in due course.

" C O P Y"

Officer-in-charge,
Sringeri Mutt and its properties.

Dated 17th Septr 1941

THE OFFICER - IN - CHARGE,

MUTT AND ITS PROPERTIES,

Sringeri.

The Muzrai Commissioner in Mysore,

Bangalore

Sir,

Re: Civil suit against Nasik Municipality and Bombay Government regarding the adjoining site to Sri Sringeri Mutt at Nasik, Panchavati.

In continuation of my letter of even No, dated 30-8-41 on the above subject, I have the honour to enclose herewith a letter received from the Mutt Lawyer Mr.K.B. Khadilkar,B.A.,B.L., Nasik city proposing that owing to the death of Mr. Mahadeva Rao,Local Manager,Nasik Mutt, the plaint must be sought to be amended by bringing on record the new legal representative in the place of the deceased. I have sent a reply to him in the matter copy of which is also herein enclosed for favour of perusal.

In view of my reply to him, I will submit a

O.S. 3/30-39.

Office of the Officer-in-charge,
Sringeri Mutt and its properties,
Sringeri, Dated 17th September 41.

Dear Sir,

I am in receipt of your letter dated 11-9-41 and thank you very much for the same. From your letter I see that in the suit against the Government of Bombay and the Municipality in respect of the vacant site by adjoining the Nasik Mutt has been filed in the name of Mr. Madhavarao, the Manager as the legal representative of the Plaintiff of His Holiness Sri Chandrasekhara Bharati Swamigal on the authority of a General Power of Attorney in favour of Mr. Madhavarao late Manager, Nasik Mutt. As this gentleman is since dead, there appears to be no necessity to give another Power of Attorney in favour of the Local Managers successor to this Office. I, as Officer-in-charge of Sringeri Mutt and its properties hold a Power of Attorney on behalf of the Swamigal and his successive throughout British India. The Power of Attorney was in favour of Mr. Y. Subbaraya and his successors in Office. Mr. T. Gopal succeeded Mr. Y. Subbaraya, and in turn succeeded Mr. Venkatesa. The relevant G.O. copies as regards the succession in Office are sent herewith for information and necessary action. A copy of the Power of Attorney is also sent herewith. In these circumstances, I believe that the plaint or application may be presented to the Court for bringing on record, the name of legal representative who is to amend the plaint accordingly notifying also the death of the original Power of Attorney holder. The original draft for the suit was been given to the late Mr. Madhavarao when he was also the Power of Attorney holder and as we would be requiring it shortly for the purposes of the case. Now that he is dead it is not advisable that I keep myself have the matter of the said Power.

As regards litigations going on on behalf of this suit in various courts throughout India and in case of these cases, I (the Officer-in-charge) am taking steps for protecting His Holiness. The only difficulty in this procedure would be that the plaints, valuation, etc., of these cases will have to be signed by me, but I shall attend to these matters expeditiously on receipt of the

before a Magistrate.

In a recent case where there was necessity of filing a frest Joint in the Subordinate Judge's Court at Coimbatore e the names of Agents on behalf of the Swamijee, a similar procedure was adopted by giving an affidavit duly signed before a Magistrate and I am sending a copy of the same for favour of your information.

I would also thank you for the favour of sending me a copy of the General Power of Attorney which was executed in favour o Mr. Subbaraya Iyer which has been produced in the court for filing the suit.

I request you to scrutinise and adopt such procedure with suitable alterations necessary as you may deem fit and legal in the circumstances of the present case. I request you to kindly write to me at once as to the further procedure proposed by you, so that I may attend to the needful as may be desired by you.

Yours Sincerely,

Officer-in-charge,
Sringeri Mutt and its properties.

To,

K.L. Bhandarkar, Esq., B.A., B.L.,
Pleader, Nasik City.

"Copy"

Letter dated 11th September 1941 from Mr.R.B. Khadilkar,Pleader, Nasik city, to the Officer-in-charge of Sringeri Mutt and its properties, Sringeri.

You must have known the sad news of the unexpected death of Mr.M. Mahadevarao, the Manager of Panchavati,Sringeri Mutt. Really a good man passed away. I feel regret for his demise.

Well in our suit against the Government of Bombay, the legal representative must be brought on record within 90 days from the demise of Mahadeva Rao; otherwise the suit will abate.

Let me know, therefore, the full name of the person whom you are going to appoint as your general attorney and whom you are giving charge to manage the affairs of the Panchavati,Sringeri Mutt property.

It will be necessary for the plaintiff Chandrasekhara Bharati Swamiji to execute a general power of attorney in favour of that person as was executed in favour of Mr. Mahadeva Rao. It must be duly signed and registered.

After the due appointment of the new general attorney, an application with his signatures to bring on record that new legal representative and to amend the plaint accordingly will have to be filed.

Awaiting your reply.

"COPY"

Officer-in-charge,
Sringeri Mutt and its properties.

Letter dated 11th September 1941 from Mr. M.K. Wadiwalla, Pleader, City, to the Officer-in-charge of Dungarwadi Mutt and its Properties, Bombay.

You must have known the sad news of the sudden death of Mr.M. Madeverao, the Manager of Panchavatti, Dungarwadi Mutt. Really a good man passed away. I feel regret for his demise.

Well in our suit against the Government of Bombay, the legal representative must be brought on record within 90 days from the date of Madeveraoji; otherwise the suit will abate.

Let me know, therefore, the full name of the person who is going to appoint as your General attorney and whom you are giving power to manage the affairs of the Panchavatti, Dungarwadi Mutt property.

It will be necessary for the Plaintiff Chandrasekharam Bharati to execute a General power of attorney in favour of that person and register. It must be duly signed by the Mahadevaraoji in favour of Mr. Madeveraoji. After the due appointment of the new General Attorney, I shall communication with his signatures to bring on record in the suit and to amend the plaint accordingly. It will have to be filed.

Awaiting your reply.

"Yours"

Officer-in-charge.
Dungarwadi Mutt and its Properties.

POWER OF ATTORNEY EXECUTED BY HIS HOLINESS SRI JAGADGURU SRI CHANDRASEKHARA BHARATI SWAMIGAL OF SRI SRINGERI MUTT ON BRITISH INDIA STAMP PAPER WORTH RUPEES TEN.

To all to whom these presents shall come, we His Holiness Sri Chandrasekhara Bharati Swami, the Jagadguru and the mathadhipathi of the Sri Sringeri Mutt at Sringeri and the manager as such of all the properties, endowments, etc., of whatsoever description belonging to the said Sri Sringeri Mutt, hereby send greeting, whereas, for the proper and efficient management of the entire estate of the said Mutt, the Government of Mysore have been pleased to take over the management and possession of the Mutt and all the properties and endowments belonging to the said Mutt both in and outside the Mysore State for a period of two years in the first instance, by an order of the Government of Mysore dated the 30th January 1936 and have by that order appointed Y.Srikantaiya, son of Y.Subba Rao residing at Sringeri as Officer-in-charge of the said Mutt and all its properties on their behalf for purposes of such management,

And whereas it is expedient and necessary that I should invest the said Y.Srikantaiya with due, proper and complete authority and control to deal with the said properties and endowments,

Now Know Ye, that We, the said Sri Chandrasekhara Bharati Swami in our own right and supercession of all arrangements made or Power-of-Attorney granted by us do hereby retain and appoint on behalf of the Mysore Government Y. Srikantaiya, son of Y. Subba Rao, Officer-in-charge of the Sri Sringeri Mutt and his successors in office to be our true and lawful attorney for us and for our successors in office as Swamigalavaru and mathadhipathi of the said Mutt in our name or in the name of our successors or in his own name for us and on behalf of and for the benefit of the said Mutt as well as for that of his disciples to manage all the said properties and endowments belonging to the said Mutt for such period and upon such terms as are hereinafter expressed,

that is to say, to manage and cultivate or lease for such period and upon such terms as Our Attorney or his successors in office during the continuance of these presents shall think reasonable, expedient and fit and to grant conveyances and pattas of any lands and to pay to Government all dues and to communicate with any Government Departments, Municipalities or other authorities and to pay to them such dues as may accrue affecting the said property and endowments and to carry on and transact all business connected with the same and to take steps under any Rent Recovery or other law in force in British India and all other steps relating to any Revenue, Civil or Criminal proceedings and other matters and to receive and give effectual receipts and discharges for all and any moneys which shall come to the hands of our said Attorney by virtue of the powers herein contained, which receipts may be given in his name or in our name by him or in the name of his successors in office and which receipts will exonerate the person or persons or corporation paying such moneys from seeing to the application thereof or being responsible for the loss or misapplication thereof and to deposit any moneys received by our Attorney under or by virtue of these presents with any banker or broker, or other person in our name or in the name of our said Attorney and to withdraw such moneys or any other moneys which are now deposited on behalf of the said Mutt of which We are the Swamigalavaru with any banker or broker or other person and to employ all or any such moneys for the benefit of the said Mutt and its disciples or for any of the purposes herein mentioned or otherwise as may be thought fit or proper from time to time to invest the same or any part thereof in the name of our said Attorney or of any other Person or persons in trust for the said ~~xx~~ Mutt in or upon specified investments or any such stocks, funds, shares or securities as may be thought fit and proper to receive and give good discharges for all dividends, interests, accretions and income arising from any such investments and to vary sell, assign, transfer and ~~discharge~~ dispose of the same or any part thereof and in our name and on behalf of the said Mutt from time to time to purchase, take on lease or otherwise acquire and hold all such houses, offices, and

hereditaments, chattels and effects, as shall be thought necessary or expedient for or in relation to any of the purposes or objects aforesaid or as our said Attorney and attorneys, namely, T. Srikantaiya, and his successors in office from time to time may think fit and from time to time if and when our said Attorney may think fit surrender,
to sell, exchange, give up or pledge, mort age, charge, demise dispose of the houses, offices, demise lease
lease lands or hereditaments or any chattels or effects belongings to the said Mutt and to borrow from time to time such sums of money and upon such terms as our said Attorney may think fit, proper and expedient for and in relation to any of the purposes or objects aforesaid upon the security of any of the said Mutt property whether real or personal or otherwise and for such purposes to give, execute and make such mortgages, charges, pledges or other securities and with such powers and provisions as may be thought fit and proper and to manage and superintend the management of ~~the~~ all the estates and hereditaments of whatsoever tenure belonging to the said Mutt and of which the said Mutt will become seized, possessed or entitled to cut timber or underwood and work quarries, mines and minerals whether now open or in working or not upon any of the said estates and hereditaments and to erect, pull down and repair house or other buildings and rections and to drain make roads on or otherwise improve any of the premises and to dedicate any road when made to the public and to insure house and other property against loss or damage by fire and also to sell, lease, dispose of, deal with and manage any property real or personal which may be invested in us as the Swamigalavaru and Mathadhipathi of the said Mutt and to execute and sign any deeds or investments and generally to do any acts which we could hereafter lawfully have executed, signed and done in any such capacity and to enter into agreements for yearly, monthly or weekly tenancies and to make allowances and arrangements with the tenants and occupiers for the time being of the said Mutt property and endowments and to accept surrenders of leases and tenancies and to cancel, revoke or modify any leases or other contracts for just cause, and to take all legal steps for the cancellation of leases and of alienations of the property and endow-

endowments of the said Mutt granted or made by any of our predecessors or their Agents from corrupt or improper motives in fraud of the Mutt or otherwise injuriously affecting the interests of the Mutt and to demand, sue for, collect and receive and give effectual discharges for the rents and profits now due for periods prior to, and subsequent to the execution of these presents and henceforth to become due in respect of the same and to take and use for our benefit any lawful proceedings, steps, ways or means by distress or auction or otherwise for money and for recovering the said rents and for enforcing the performance of any covenants or agreements which the respective lessees or tenants may be liable to perform, and to eject or recover damages from tenants and occupiers making default in payment of such rents or in performance of such covenants, or agreements and to obtain and recover all or any of the premises, lands, houses or grounds occupied by any lessees or tenants making such default and to commence prosecute or enforce or to defend answer or oppose all actions and other legal proceedings and demands touching any of the matters aforesaid, or any other matters in which we are or may be hereafter as the Swamigalavaru and Mathadhipathi of the said Mutt interested or concerned and also if our Attorney or his successors in office shall think fit to compromise refer to arbitration, abandon, submit to judgment or become non-suited in any such action or proceeding as aforesaid and to ~~compromise refer to arbitration abandon submit to judgment or become non-suited in any such action or proceeding as~~ adjust settle, compromise or submit to arbitration any acts, deeds, claims, demands, and disputes and matters touching any of the matter aforesaid and to compound and accept part in lieu and in satisfaction for the whole of or to compromise any debt or sum of money now or hereafter owing and payable to the said Mutt or any other claim or demand which the said Mutt may have against any property or any person or persons or to grant extensions of time for the payment or satisfaction thereof upon such terms as may be deemed proper either with or without taking security for the same or otherwise act with respect thereto as may be deemed expedient, and to vote at the meeting of any such company

1013/37-38
nc: one file

Office of the Muzrai Commissioner
in Mysore,
Bangalore, Dated 21st December'42

R 3381

From

Rajasevaprasakta
B.T.Kesavaiengar, Esq., B.A.,
Muzrai Commissioner in Mysore,
B a n g a l o r e.

To

N.Madhava Rao, Esq., B.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

GENERAL SECRETARY.
22 DEC. 1942

Re:-Dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the Nasik Town Municipality - civil suit filed against the Govt. of Bombay and the Municipality.

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Flag A

In continuation of this office letter No.C.1013/37-38 (X) dated 10-12-42 on the above subject, I have the honour to forward herewith a copy of letter No.O.C.3/38-39 dated 18th December 1942 together with its enclosures received from the Officer-in-Charge of Sri Sringeri Mutt and its properties, Sringeri and to request you to kindly obtain legal advice in the matter of preferring an appeal against the judgement and order dated 30-11-42 of the First Class Subordinate Judge, Nasik in the above case (copy enclosed) as suggested by the Mutt's pleader in his letter dated 11-12-42 (copy enclosed). The cost of the appeal is estimated at Rs.300/-.

As the pleader has intimated that the appeal has to be filed within 30 days from the date of the decision of the case (i.e.before 30th December 1942). I request you to kindly obtain and communicate the legal advice as to the desirability of preferring an appeal in the case at a very early date.

Urgent

In favour of opinion
Laws wpc

I have the honour to be,
Sir,
Your most obedient servant,
M. N. Ramachar.
Assistant Commissioner
For Muzrai Commissioner
(absent from Head Qrs.)

22/12
22-12 wpc

SECY. LAW DEPT. 22 DEC 1942 GOVT OF MYSORE

The file was received back with the Law Secretary's opinion and returned to the M.C. unofficially. on 28/12/42

28/12

No.C.1013/37-38
Encl.3

Office of the Muzrai Commissioner
in Mysore,
Bangalore, Dated 10th December'42.

R 3179

From

Rājasevaprasakta
B.T.Kesavaiengar, Esq., B.A.,
Muzrai Commissioner in Mysore,
B a n g a l o r e.

OFFICE OF THE
LAW
DEC 11 1942
5154

To

N.Madhava Rao, Esq., B.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

GENERAL SECRETARY
11 DEC. 1942

Re:- Dispute over the open site adjoining the Sri Sringeri Mutt building at Nasik between the Mutt and the Nasik Town Municipality - Civil Suit filed against the Govt. of Bombay and the Municipality.

Flag T

With reference to correspondence ending with your letter No.R.609/Muz.230-40-13 dated 21-7-1942 on the above subject, I have the honor to forward herewith for the information of Government, a copy of letter No.C.C.3/38-39 dated 7-12-42 together with its enclosures received from the Officer-in-Charge of Sri Sringeri Mutt and its properties, Sringeri reporting that the above civil suit filed in the First Class Sub Judge's Court, Nasik has been dismissed with costs on 30th November 1942 and that the Mutt's Pleader has suggested the filing of an appeal to the District Judge, Nasik before 30th December 1942. The Officer-in-Charge has been requested to obtain and submit the connected records together with a certified copy of the Judgement and Decree in the Suit immediately. On receipt of the same, they will be sent to you for obtaining legal advice in the matter of preferring an appeal to the District Judge, Nasik.

Perusal —
Minister for R

I have the honor to be,
Sir,
Your most obedient servant,

MUZRAI COMMISSIONER.